

REMARKS AND RESPONSES

Claim 1, 7 have been currently amended. Claims 1 and 3-18 remain pending in the present application. Support for the amendments is found in the specification and claims as filed. Accordingly, the amendments do not constitute the addition of the new matter. Reconsideration of the application in view of the foregoing amendments and following comments is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1 and 3-18 stand rejected under 35 U.S.C. §103(a) as unpatentable over Hollenbeck (US 5,513,053) in view of Krohn (US 5,076,761).

Of rejected claims, only claims 1, 7, 9 and 14 are independent.

Amended claim 1 discloses an overvoltage protective device in parallel connection with a direct-current (DC) motor, comprising:

a voltage-dividing circuit having two opposite ends and a voltage-dividing node, wherein one end thereof is electrically connected to an input voltage of the DC motor, and the opposite end thereof is electrically connected to ground; and

a control unit being connected with the voltage-dividing node of the voltage-dividing circuit, and for accessing a voltage level of the part of the voltage-dividing circuit to further drive the DC motor, wherein when a voltage level of the part is larger than a **predetermined reference voltage in the control unit**, the control unit stops driving the DC motor.

First of all, the examiner asserts that the elements 210, 200 (should be 220), 218, 118 of Hollenbeck (in Figure 1, Column 5, lines 59-65) are equivalent to the control unit, MCU driver recited in claims 1, 7, of the present invention. However, the element 210 is a comparator, the elements 218, 220 are the CMOS buffer gates, the function of which is completely different from that of the control unit or MCU driver of the present invention. In addition, processor controller 118 of Hollenbeck is not part of the overvoltage protective device 100. Thus, the examiner's assertion is wrong. In addition, in claim 1, Hollenbeck or Krohn fails to disclose the feature "the reference voltage is predetermined in the control unit." Therefore, claim 1 is not anticipated by Hollenbeck or Krohn. Since claims 2-6 depends from amended claim 1, rejection under 35 USC 103 is overcome.

Claim 7 has been amended according to Fig. 2. Similarly, Hollenbeck or Krohn fails

to disclose the reference voltage is predetermined in the micro control unit (MCU) driver. Therefore, claim 7 is not taught or suggested by Hollenbeck or Krohn. Since claims 8 are dependent upon amended claim 7, rejection under 35 USC 103 is overcome.

Second, the Applicant submits that the prima facie case of obviousness is not established with respect to claims 9 and 14.

The Examiner asserts on pages 3, 4, 5 and 7 of the Office Action that "Hollenbeck's device differs from the invention in that the control unit does not stop driving the motor in response to an over voltage signal as the over voltage is detected during the slowing of the motor." And "Krohn teaches an over voltage protective device for DC motors having a control circuit 90 which to drive DC motor 50 and stop driving the motor when an over voltage condition occurs (see 130 and signal from 130 to 90 and 80, Column 1, lines 21-54)."

The Examiner's attention is invited to Fig. 1 of Krohn, signals from the voltage monitoring circuit 130 would go to power supply 20 (according to arrow illustrated in Fig. 1), rather than Motor control 90 or Motor Drive 80. And the disclosure in Column 1, lines 21-54 has nothing to with drawings as illustrated in Fig. 1 because the disclosure is not used to describe Fig. 1. Moreover, Krohn discloses in column 3, lines 1-4 that "an over-voltage monitoring circuit 130 is connected to monitor the input AC voltage, and to generate a signal to circuit breaker 10 to disconnect the input line voltage upon detecting an excessive input line voltage." There is no evidence in Krohn, showing that "the power supply 20 disconnecting from the input line voltage" would result in stopping the motor 50. Accordingly, Krohn fails to disclose that the over-voltage monitoring circuit 130 would stop driving the motor when an over voltage condition occurs. Even if Krohn and Hollenbeck can be combined, the prima facie case of obviousness is still not established with respect to claims 9 and 14.

In sum, the claim 1, 7 have been amended to recite the reference voltage is predetermined in the control unit. The patentable features are demonstrated. Therefore, their dependants are also patentable. The prima facie case of obviousness (with respect to claims 9, 14 and their dependants) cannot be established based on Hollenbeck and Krohn, either alone or in combination. Accordingly, Applicant respectfully submits that the rejections under 35 U.S.C. §103(a) should be withdrawn.

Reconsideration and withdrawal of this rejection are respectfully requested.

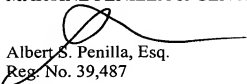
Conclusions

For all of the above reasons, applicants submit that the specification and claims are now in proper form, and that the claims define patentably over prior arts. Therefore applicants respectfully request issuance for this case at the Office Action's earliest convenience. Therefore applicants respectfully request issuance for this case at the Office Action's earliest convenience.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. JLINP171/TLC). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,

MARTINE PENILLA & GENCARELLA, LLP



Albert S. Penilla, Esq.
Reg. No. 39,487

710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
Telephone: (408) 774-6903
Facsimile: (408) 749-6901
Customer No. 25920